



Senate

File No. 800

General Assembly

January Session, 2003

(Reprint of File No. 65)

Senate Bill No. 854
As Amended by Senate
Amendment Schedule "A" and
House Amendment Schedule "A"

Approved by the Legislative Commissioner
May 31, 2003

AN ACT CONCERNING THEFT OF MOTOR FUEL.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 53a-119 of the general statutes is amended by
2 adding subdivision (17) as follows (*Effective October 1, 2003*):

3 (NEW) (17) Theft of motor fuel. A person is guilty of theft of motor
4 fuel when such person (A) delivers or causes to be delivered motor
5 fuel, as defined in section 14-327a, into the fuel tank of a vehicle or into
6 a portable container, or into both, on the premises of a retail dealer, as
7 defined in section 14-318, and (B) with the intent to appropriate such
8 motor fuel to himself or a third person, leaves such premises without
9 paying the purchase price for such motor fuel.

This act shall take effect as follows:	
Section 1	October 1, 2003

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill includes theft of motor fuel within the crime of larceny. There is no associated fiscal impact.

Senate Amendment "A" specifies that proof of the vehicle's registration is prima facie evidence that the vehicle's renter was its operator at the time it drove off from the retail service station.

House Amendment "A" eliminates the bill's provision providing that proof of the vehicle's registration number is prima facie evidence that its owner, lessee, or renter was the operator at the time it drove off from a retail service station. It thereby eliminates the fiscal impact.

OLR Bill Analysis

SB 854 (File 65, as amended by House "A" and Senate "A")*

AN ACT CONCERNING FAILURE TO PAY FOR GASOLINE**SUMMARY:**

This bill specifies that theft of motor fuel can be punished as larceny. A person commits this crime if, with intent to appropriate the fuel to himself or another, he delivers or causes delivery of motor fuel into a vehicle's tank, a portable container, or both on a retailer's premises and he leaves the premises without paying for it.

A retailer is anyone operating a service station, filling station, store, garage, or other business for selling motor fuel for delivery into the tank of a vehicle propelled by an internal combustion engine. Motor fuel is any product commonly or commercially known as gasoline or any liquid used as fuel in internal combustion engines, including gasohol but not including aviation fuel and liquefied petroleum gases.

The punishment for larceny depends on the value of the property taken.

*Senate Amendment "A" specifies that proof of the vehicle's registration is prima facie evidence that the vehicle's renter was its operator at the time it drove off from the retail station.

*House Amendment "A" (1) removes the provision making proof of a vehicle's registration number prima facie evidence that its owner or lessee was the operator at the time it drove off from a retail station, (2) applies the statutory definitions of retailer and motor fuel, and (3) applies to anyone who leaves a retailer's premises without paying rather than someone who drives off without paying.

EFFECTIVE DATE: October 1, 2003

BACKGROUND***Larceny***

A person is guilty of larceny when he wrongfully takes property from its owner with the intent of depriving the owner of the property or appropriating it to himself or another. The punishment depends on the value of the property taken, ranging from a class C misdemeanor (up to \$500 fine, up to three months in prison, or both) when the value of the property taken is less than \$250 to a class B felony (up to \$15,000 fine, 1 to 20 years in prison, or both) when the value of the property taken is over \$10,000.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Report

Yea 37 Nay 3